

LINCOLN PLANNING BOARD

JANUARY 25, 2006

MINUTES

The regular meeting of the Planning Board was held on Wednesday, January 25, 2006, at the Town Hall, 100 Old River Road, Lincoln, RI.

Chairman Mancini called the meeting to order at 7:04 p.m. The following members were present: Diane Hopkins, John Hunt, David Lund, John Mancini, Gregory Mercurio, Gerald Olean and Michael Reilly. Also in attendance were Town Planner Albert Ranaldi, Town Engineer N. Kim Wiegand, and Assistant Town Solicitor Roger Ross. Margaret Weigner kept the minutes.

Chairman Mancini advised seven members present; have quorum.

SECRETARY'S REPORT

Mr. Olean made a motion to dispense with the reading of December 14, 2005 minutes. Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Olean made a motion to accept the minutes as presented. Mr. Mercurio seconded motion. Motion passed unanimously.

Mr. Olean made a motion to dispense with the reading of January 21, 2006 minutes. Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Olean made a motion to accept the minutes as corrected. Mr. Mercurio seconded motion. Motion passed unanimously.

CONSENT AGENDA

Chairman Mancini stated that any item on the consent agenda could be removed and discussed separately by making a motion. There are four items on the agenda for consideration.

Mr. Olean made a motion to accept the Consent Agenda as recommended by the Technical Review Committee (TRC). Mr. Hunt seconded motion. Motion passed unanimously.

Mr. Olean made a motion to add an item to tonight's agenda – an extension for Preliminary Plan for AP 44, Lots 12 & 32. Mr. Mercurio seconded motion. Mr. Ranaldi explained that the applicant faxed him a request on December 14, 2005, but the December meeting was held on that date. Unfortunately, the fax was misplaced and not included on this month's agenda. The request is for the project on Angell and Whipple Roads. The applicant received Preliminary Plan approval, is

moving along diligently and is asking for a one year extension. Chairman Mancini asked when Preliminary Plan expired, Mr. Mercurio asked who the developer was and Mr. Olean asked if the extension was for one year from now or when Plan approval expired. Mr. Ranaldi stated that he wasn't sure of the expiration date, but that the developer is Thomas McNulty.

Mr. Olean made a motion to extend Preliminary Plan approval for AP 44, Lots 12 and 32 for one year from the date of expiration of Preliminary Plan approval. Mr. Mercurio seconded motion. Motion passed unanimously.

MAJOR SUBDIVISION REVIEW

a. Lincoln Meadows II AP 45 Lots 2, 181 & 353 Public Hearing–7:15 pm

Angellin, LLC Angell Road

The list of abutters was read and two abutters were present – Debra Rich and Barry Kessler. Chairman Mancini explained the process for the public hearing. Mr. Ranaldi will discuss the development, the developer will make a presentation, the Planning Board can ask questions, and then the public may speak.

Mr. Ranaldi stated that this subdivision falls under the 2001

Subdivision Regulations. The Preliminary Plan submitted received a Certificate of Completeness on October 18, 2005. The Board has until February 14, 2006 to approve, approve with conditions, or deny. This is a 20 lot conventional subdivision located off of Angell Road – a curved, circular road that begins and ends on Angell Road. A new pumping station owned by a Home Owners Association (HOA) will service fifteen houses and the remainder will be a gravity fed sewer system.

Attorney William Landry stated that he is representing Angellin, LLC, and has received a copy of the TRC report and has no problems with the technical comments, and is interested in input from abutters.

Engineer David D'Amico of Cataldo Associates stated that he is the project manager for Phase II of the original project. Phase I was a smaller subdivision with 7 lots in a R20 zone with a 400' cul de sac. The applicant received a wetlands permit and the project met all requirements of the Subdivision Regulations. The remaining 26 acres is a wooded area with wetlands – an application to alter freshwater wetlands has been submitted to RI Department of Environmental Management (RIDEM). Phase II will consist of 20 lots.

Mr. Olean stated that he wanted to clarify that this was not a phased development – the Planning Board did not approve this project in phases. Mr. D'Amico conceded that this was not a phased development, and that Lincoln Meadows II is its own entity – separate

from the 7 lot subdivision.

Mr. D'Amico stated that the front 4 lots will be fed by gravity sewers and the remaining 16 lots (topography is up high and slopes down with road below gravity line) will need injector pumps to feed into the sewer line in the road. The applicant has received approval from RIDEM to cross the wetlands (the process took 14 months to secure approval). RIDEM asked the applicant to move the water quality basin on Lot #16 away from the 100' riverbank wetlands. The applicant will resubmit the plans as an amendment to RIDEM. The manufacturer for the Vortex system could not meet the required specifications; therefore, a similar system will be used and a revision to the plan will be made. An Administrative Subdivision has been submitted to the Town to transfer land from the first subdivision to Lot #18 of the second subdivision. Chairman Mancini asked about the bridge and Mr. D'Amico stated that bridge will meet all criteria. Mr. Landry stated that subject to the Administrative Subdivision for Lot #18, all lots meet the Subdivision Regulations and Zoning Ordinance requirements.

Mr. Mercurio asked what would be done to enforce maintenance of the pumping station. There have been a number of discussions on deed restrictions, bonds, HOA, and the ability to put liens on property. Assistant Town Solicitor Roger Ross stated that the HOA will be obligated to maintain the pumping station. A perpetual self-contained account will be needed to ensure that the Town will

have the ability to recoup costs, if necessary. A perpetual fund system will guarantee a vendor is contractually obligated to maintain the system on a yearly basis. Chairman Mancini asked what the amount of the perpetual fund would be and Mr. Landry replied that a similar arrangement in Scituate required \$5,000 to be put into the fund. Chairman Mancini advised that he would leave it up to the Town Engineer to work with the developer to reach an agreement. Mr. Olean asked if any waivers or variances were required and Mr. Landry replied that there were no waivers or variances needed.

Abutter Debra Rich stated that she supports the project.

Mr. Olean made a motion to close the public hearing. Mr. Mercurio seconded motion. Motion passed unanimously.

Chairman Mancini stated that there are still issues to be resolved. Ms. Wiegand stated that she will go through the plans with a fine tooth comb after Preliminary Plan is approved. Chairman Mancini stated that he does not have a problem going on. Mr. Ranaldi stated that he received the Administrative Subdivision for Lot #18 and it is not acceptable. He has some concerns and plans must be worked out.

Chairman Mancini asked the applicant to extend the time period for Preliminary Plan approval by two months. Mr. Landry stated that the applicant will agree to a one month extension. Mr. Olean stated that

he would prefer a two month extension and hopefully resolve the issues in one month. Mr. Landry stated that he preferred to give a one month extension and grant another extension next month if needed. Mr. Hunt and Mr. Reilly both felt that the extension should be for two months; otherwise the applicant better be ready next month for the Board to vote. After talking to his client, Mr. Landry agreed to a two month extension.

Mr. Olean made a motion to extend development for two months with the stipulation that if everything is ready, the Board can vote on the project in February. Ms. Hopkins seconded motion. Motion passed unanimously.

**b. Riverfront Estates AP 45 Lot 436 Preliminary Plan Discussion/
DOSCO, Inc. Angell Road Approval**

Mr. Ranaldi stated that the application for Preliminary Plan received a Certificate of Completeness on January 17, 2006. The board has until May 17, 2006 to approve, approve with conditions or deny. A waiver was approved for the proposed road to be less than 150 feet from the unimproved Rum Road. Approval from RIDEM is a condition of approval. Clearing will be done at road entrance to ensure proper sight distance. Gravity fed sewers and public water will service the development. The TRC recommends advancing to the Public Hearing stage.

Chairman Mancini asked if the utility pole could be moved and Engineer Joshua Rosen of Commonwealth Engineers stated that he has drafted a letter to NE Telephone to move the pole 10' into the easement to increase road width and sight distance. Mr. Rosen further stated that based on the Master Plan, the conceptual plan of the lots and road has not changed. The lot lines on Lots #1 and #2 have been moved to accommodate drainage. The looped water line has been incorporated along Rum Road. All run-off from the development has been mitigated. The plan has been modified slightly – catch basin location, gravity feeder on Angell Road – from original plan. All issues have been addressed.

Chairman Mancini stated that he has no problem moving forward. Mr. Ranaldi stated that setbacks should be checked on all lots. Mr. Rosen stated that zoning setbacks have not changed. Mr. Ranaldi advised him to talk to the Zoning Official to verify the setbacks.

Mr. Olean made a motion to move to public hearing with the conditions set forth by the TRC for Preliminary Plan consideration. Mr. Hunt seconded motion. Motion passed unanimously.

c. Bank RI AP 28 Lot 55 Master Plan Discussion/

Bank RI George Washington Highway Approval

Mr. Ranaldi stated that this is a Minor Subdivision with a waiver that was elevated to a Major Subdivision due to the need for zoning relief.

The application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into three commercial lots. The Master Plan submittal received a Certificate of Completeness on January 17, 2006. The Board has until May 17, 2006 to approve, approve with conditions, or deny. The waiver needed is for the back lot from the Zoning Board – a lot without frontage. The applicant is proposing a perpetual easement to the back lot. Bank RI will incorporate Lot #3 (rear lot) into the lot they now lease with an option to buy. Dunkin Donuts will be on one lot and there will be a separate lot across from it. Plans are at an advanced stage, but there are minor concerns regarding the proposed landlocked parcel in back.

Attorney Peter Ruggiero represented Bank RI. He stated that the bank is under a lease with option to buy that matures in December 2006. Bank RI purchased the lot that contains Dunkin Donuts. The bank has no interest in front lots – one lot (Lot #2) for Dunkin Donuts and the other (Lot #3) for future development. The rear lot (Lot #1) would be merged with leased lot when Bank RI purchases it. There is one access to lots – back lot merges with existing bank lot. Chairman Mancini stated that one condition of approval would be that no use of Lot #3 could be approved. Mr. Ross states that it is a timing issue – the applicant has to appear before the Zoning Board.

Mr. Ruggiero states that both lots are conforming – a dimensional variance is needed for no frontage on front lots. The applicant needs Master Plan approval before going to the Zoning Board.

Liz Carroll of Bank RI stated that Bank RI moved their operations center to Lincoln two years ago. They love Lincoln and the location. The adjacent property went into receivership. The back parcel is needed for parking and the expansion of the bank. The bank has the option to purchase the parcel they now lease in December 2006 with a closing to be held in 2007.

Mr. Olean asked why Bank RI did not do a two lot subdivision and Ms. Carroll explained that the bank purchased the property with Dunkin Donuts. The bank did not want the front parcel and Dunkin Donuts did not want the rear parcel. Mr. Ross stated that the lots are conforming lots.

Mr. Mercurio asked if any abutters would be adversely affected by this subdivision and Mr. Ruggiero replied that it is a mostly commercial area. Mr. Olean felt that the Board should restrict the use of the lot, and Ms. Carroll stated that she had no problem with the restriction. Mr. Ross stated that the conditions can be made known to Zoning – condition upon Zoning approval, purchase of lot and merging of lots.

Mr. Reilly stated that he would like to see plans of what would be there. Mr. Ruggiero stated that the plans right now are schematic – they could change.

Mr. Olean made a motion to go to public informational meeting as recommended by the TRC at Master Plan level. Mr. Mercurio seconded motion. Motion passed unanimously.

Mr. Olean commented to Ms. Carroll that when exiting the bank, there should be a sign that says no left turn. Ms. Carroll stated that she would look into it.

MINOR SUBDIVISION REVIEW

a. Chapel Street Minor Subdivision AP 10 Lot 304 Preliminary Plan Discussion/

Vikon Properties Corp. Chapel Street Approval

Mr. Ranaldi stated that this is a minor subdivision of one lot into two residential lots and is under the 2005 Subdivision Regulations. The applicant received a Certificate of Completeness on January 17, 2006 and the Board has until March 23, 2006 to approve, approve with conditions, or deny. The subdivision meets all subdivision regulations and zoning requirements except for one – the garage is too close to the property line (pre-existing condition). The applicant would like to keep the garage, and is going before the Zoning Board for a dimensional variance. There are no wetlands on the property, a single family home is proposed for the new lot, zoning setbacks are met, and public water and sewer are available. Approval is needed from the Narragansett Bay Commission. Due to drainage issues on

Chapel Street, dry wells must be installed to capture the roof runoff. Also, as a condition of approval, no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.

Surveyor Steve Long, representing the applicant, stated that this is a simple subdivision and that the owner is willing to knock down the garage if the variance is not granted. He asked that the Board delegate final approval to the Administrative Officer.

Mr. Ross stated that the Board can not approve with condition #5.

Ms. Hopkins made a motion to approve the subdivision as recommended by the TRC with the conditions #1 - #4 and delegate final approval to the Administrative Officer. Mr. Reilly seconded motion. Motion passed unanimously.

MAJOR LAND DEVELOPMENT REVIEW

a. Lincoln Ridge Business Park AP 41 Lot 58 Master Plan Discussion/

Pol seno Properties Management George Washington Highway Approval

Mr. Ranaldi stated that this application is under the 2005 Subdivision

Regulations and represents the commercial development of a single lot containing approximately 15 acres. This project is in front of the Board for a Master Plan discussion. The applicant received a Certificate of Completeness on January 17, 2006 and the Board has until May 17, 2006 to approve, approve with conditions, or deny. The project is a phased project – the Board is looking at one building and parking. The TRC reviewed traffic and road accessibility. The Albion Fire Department has given a verbal approval that access is adequate. The TRC would like written communication from the Albion Fire Department on the proposed site plan and the provided circulation areas around the building for fire safety. There is a proposed development in Smithfield in the same area – a time frame is needed so that both projects are not started at the same time. This developer may work with the Smithfield developer in the future. The main concern is public water – it is available, but approximately 900' of water line would be needed to get water to the proposed property. The Lincoln Water Commission stated that agencies are available to help, but the developer would have to explore the options.

Brian Thalmann of Thalmann Engineering stated that a permit was obtained from Narragansett Bay Commission, an application has been submitted to RIDEM, and they are working on a water connection with the towns of Lincoln and Smithfield. They have been in contact with the State Water Resources Board – issues will be worked out and a water connection will be provided. He asked that Master and Preliminary Plans be combined. Chairman Mancini stated

that the subdivision regulations allow combining Master and Preliminary Plans, but the water issue needs to be resolved before going on. Mr. Thalmann stated that they are working with two different water districts and it takes time. The developer has been in contact with the developer of Rizzo/Colonial and will be able to provide a time line for construction. Chairman Mancini advised Mr. Thalmann to review the TRC report. Mr. Ranaldi asked if he would have an answer on the water connection from Smithfield in February or March. Ms. Wiegand stated that the drainage is unusual because it will be owned and maintained by the developer and will not drain onto town infrastructure.

Mr. Olean made a motion to table development to a later date. Mr. Hunt seconded motion. Motion passed unanimously.

**b. Special Care Residence AP 41 Lot 44 Master Plan Discussion/
H.L. George Development Corp. Albion Road Approval**

Mr. Ranaldi stated that this application falls under the 2005 Subdivision Regulations and is a commercial development of a single lot containing 4.39 acres. The Master Plan submittal received a Certificate of Completeness on January 17, 2006; the Board has until May 17, 2006 to approve, approve with conditions, or deny. The applicant was before the Board 2 ½ years ago – the only difference with the plans is that the Zoning Board insisted on 10 more parking spaces. The applicant has addressed all the concerns of the Zoning

Board, Planning Board, and Fire Department.

Mr. Mercurio asked if the applicant was approved the last time. Mr. Ross stated that the applicant received extensions from the Zoning Board, but was denied an extension from the Zoning Board the third time and had to start the process all over again. Mr. Ranaldi stated that it is a good project, but the procedural process required the applicant to resubmit as a Master Plan.

Applicant Herbert George thanked the Board for their time. He had a partner that he bought out and has secured the funding for the project. It will be an all inclusive Alzheimers design – very predominant on the west coast, but a new idea to Rhode Island. He bought assisted living to New England. This project will be specialized care consisting of 60 units – 56 private and 4 semi-private. Nothing has changed with the plans except the parking.

Mr. Mercurio asked if he had an affiliation with a medical association and Mr. George replied that he will have affiliation agreements with hospitals, nursing homes, etc.

Kevin Morin, an engineer with DiPrete Engineering, stated that he did the engineering and permitting since 2001/2002 and can explain the project. RIDEM issued an insignificant alteration permit, Lincoln Water Commission has given approval, an extension for NBC has already been done, private pumping station will be installed, and they have met with the Albion Fire Chief recently to revisit the plans.

There will be a conservative decrease in runoff from the site. The applicant would like to shorten the process for Master Plan and Preliminary Plan approval.

Chairman Mancini asked if there were any concerns for this project at the public hearing and Mr. Morin stated that there were no concerns for this project, but for the Toll Brothers project. There is one residential abutter to the project. Mr. Ranaldi stated that Toll Brothers has cleared debris and trimmed branches from Albion Road to re-establish the existing paved 20' of road. Chairman Mancini asked how close the applicant was to Preliminary Plan and Mr. Morin stated that he will re-examine the plans. Chairman Mancini stated that the Board could combine Master and Preliminary Plans if the applicant is ready in March. Ms. Wiegand stated that the sewers are in and that Albion Road will be repaved in the spring. Mr. Ranaldi stated that he spoke to the applicant's attorney and the attorney asked if a public hearing was required. Mr. Ross stated that since it is a new project at Master Plan, a public hearing is required. Chairman Mancini agreed that a public hearing was necessary. Mr. Morin stated that he didn't expect any significant issues. Mr. George stated that he would appreciate one hearing. He has a deadline to purchase property from his partner.

Mr. Olean made a motion to move to a public hearing in March for consideration of Master/Preliminary Plan. Mr. Mercurio seconded motion. Motion passed unanimously.

PETITION FOR THE ABANDONMENT OF A PORTION OF CENTRAL STREET

a. Gail and Paul A. Brule Central Street Recommendation to Town Council

Mr. Ranaldi stated that he received a fax that was given to the Town Clerk withdrawing the petition.

Mr. Olean made a motion to accept the withdrawal without prejudice. Ms. Hopkins seconded motion. Motion passed unanimously.

CORRESPONDENCE/MISCELLANEOUS

a. Staff Reports

Mr. Mercurio asked if the Ethics letters were sent out yet, and Chairman Mancini stated that the state usually sends them out in April.

Mr. Ranaldi advised the Board that the February and March agendas are packed.

b. Administrative Subdivision Approved AP 29 Lots 319 & 336 Old

River Road

Mr. Ranaldi stated that a lot line was moved on Old River Road. Chairman Mancini asked why and Mr. Ranaldi explained to add backyard to mother's property.

c. Administrative Subdivision Approved AP 23 Lots 30 & 110 Old River & Lower River Roads

Mr. Ranaldi explained that this subdivision involved two medium lots. One lot had a house on it. The applicant is before the Board to subdivide into five lots, but chose to separate one lot out and sell off house. The Board will now be looking at one lot into 4/5 lots instead of two lots.

d. Amended Administrative Subdivision AP 26 Lots 38, 39, 41 & 43 Jenckes Hill Road

Mr. Ranaldi stated that the Administrative Subdivision for the new middle school was amended because a lot was left out of the original administrative subdivision.

There being no further business to discuss, on a motion made by Mr. Olean and seconded by Mr. Reilly, it was unanimously voted to adjourn. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Margaret Weigner

Attached January 25, 2006 TRC Report:

On January 17, 2006 at 3:00 pm, the Technical Review Committee met to review the agenda items for the January 25, 2006 Planning Board meeting. In attendance were Al Ranaldi, Russell Hervieux, and Peggy Weigner. Below are the Committee's recommendations:

Major Subdivision Review

a. Lincoln Meadows II AP 45, Lots 2, 181 & 353 Public Hearing – 7:15 PM

Angellin, LLC Angell Road

On June 23, 2004, the applicant received Master Plan approval for their twenty (20) lot single family subdivision. According to Section 17-G for the 2001 Subdivision Regulations, "Vesting, the approved master plan shall be vested for a period of one (1) year, with a one (1) year extension possible upon the written request of the applicant, who must appear before the Planning Board for an annual review.

Vesting may be extended for a longer period, for good cause shown, if requested by the applicant prior to the expiration of the deadline, in writing, and approved by the Planning Board. Master Plan vesting shall include the zoning requirements, conceptual layout and all conditions as shown on the approved plan drawing and supporting materials.” Unfortunately, the applicant did not realize that their Master Plan Approval ran out. On September 28, 2005, the Planning Board voted to extend the applicant’s Master Plan approval for one year starting from the original date of Master Plan approval. Therefore, the applicant has until June 23, 2006 to secure Preliminary Plan approval.

On October 18, 2005, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Preliminary Plan review must be made by February 14, 2006 or within such further time as may be consented to by the applicant. The applicant is in front of the Planning Board for a Public Hearing.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2001 Land Development and Subdivision Regulations preliminary plan requirements and standard engineering practices. The plans

reviewed by the committee are entitled “Preliminary Design Plan for Lincoln Meadows II”, 20-Lot Subdivision, Zoned RS-20, AP 45 Lots 1, 2, 181, & 353 located at Angell Road, Lincoln Rhode Island, prepared for Angellin, LLC by Cataldo Associates, Inc., revision date November 29, 2005. A letter report has been received dated October 24, 2005 which addressed the sight distance issue. A “Drainage Report” revision dated August 2004 was previously reviewed. Below are the TRC comments.

Traffic/ Road Design

A letter report dated October 24, 2005 was received describing the stopping sight distances available at the proposed intersection with Maple Avenue. According to this analysis a section of brush, approximately 100’ by 20’ will need to be removed to insure proper sight distance. This area needs to be shown within the existing right of way on the plans. The new intersection opposite Maple Avenue must be repaved with a top course before acceptance of the road by the Town. The Chief for the Limerock Fire Department in a verbal communication with the Town Engineer stated that the largest vehicle that would pass over the bridge would be 80,000 lb. For final construction plans the developer must submit detailed plans for the bridge that meets this condition, certified by a professional engineer.

Wetlands

The proposed subdivision has received RIDEM Wetlands approval as a significant alteration. One of the conditions of the approval requires

that the drainage infiltration trench be moved out of the wetlands jurisdictional area. Since the trench was designed for water quality, the developer proposes to replace it with a water quality device such as a “Vortech” unit. This is acceptable to the Town. This minor modification will need to be sent to RIDEM as an amendment to the original approval.

Groundwater and Storm Water

The section of roadway with 1% slope requires a regular grate, not a high capacity grate on the final construction plans. This pertains to CBs #14 and 15. Engineering recommends that as a condition of subdivision approval, no finished floors or basements shall be allowed to be constructed into the seasonal high groundwater elevation. A note to this effect must be added to the plans as a condition of approval for this subdivision.

Lot Layout

Proposed Lot 18 uses a portion of what is presently preliminarily approved as Lot 7 in the subdivision Lincoln Meadows, a seven lot subdivision, in order to comply with the minimum buildable area requirements. The preliminary approval of the seven lot subdivision must be amended in order to include the land in a different subdivision. The amendment must also note that the detention basin on proposed lot 5 will no longer be necessary if the drainage from these lots is incorporated into the larger subdivision. Proposed parcel 16 contains a drainage outfall. An easement to the Town for

drainage must be shown for this lot. Please note also that the record plan must show easements for drainage and/or access to the detention basins (lots 9, 10 and 13), the cemetery (lot 20) and sight distance on Angell Road (lots 18 and 19). The record plan must shown granite bounds to distinguish the easement areas on the individual properties per the Town Engineer as a condition of approval.

Sanitary Sewers

Public sewers are available to this project for gravity flow. However, only gravity sewers in the public road will be owned and maintained by the Town. The lots too low to reach gravity sewers must have private means by way of a pumping station with conventional forcemains. The pumping station and forcemains are to be owned and maintained by the involved property owners with a homeowners' association funded escrowed account as a condition of approval.

Water Service

Public water is available to the proposed development. According to superintendent of the Lincoln Water Commission (LWC), the subdivision's water line has preliminary approval, subject to final construction plan approval.

Final Construction Plans

The following will be required for approval of the final construction plans.

1. Plantings associated with the drainage shall be the responsibility of the developer as a condition of the subdivision construction. Other plantings required by the RIDEM Wetlands permit on individual lots will be the responsibility of the property owner under the building permit.

2. Final approval of the construction plans by the LW C.

3. For final construction plans the developer must submit detailed plans for the bridge meeting this condition as certified by a professional engineer.

4. An area of approximately 100' by 20' will need to be removed to insure proper sight distance. This area needs to be shown within the existing right of way (ROW) on the plans. It appears that the area south of the intersection opposite Maple Avenue is within Town ROW, but an additional 10 foot wide area along the ROW north of the intersection on lots 18 and 19 will need an easement.

5. The following notes must be added to the appropriate sections on sheet C1 in conformance with the standards required by the Storm Water Pollution Prevention Plan:

a. For erosion control during construction, temporary mulch shall be installed 14 days after earth disturbance has ceased unless activity is to resume no later than 21 days.

b. The contractor shall prevent the discharge of wastewater into storm water runoff.

c. The detention basins must be constructed in the initial phase of the site work in order to act as temporary siltation basins.

The Technical Review committee recommends that the applicant address the above noted concerns and any concerns presented by residents during the public hearing. The TRC recommends that the applicant moves onto the final stage of preliminary plan review.

**b. Riverfront Estates AP 45 Lot 436 Preliminary Plan Discussion /
- DOSCO Inc. Angell Road Approval**

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into five conventional single-family lots. The subject lot contains approximately 6.36 acres of land and is located in zoning district RA-40 (40,000 square feet – Residential Single Family). The proposed homes are to be serviced by a public cul-de-sac road and public water and sewer. This project is in front of the Planning Board for a Preliminary Plan discussion and review.

On January 17, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Preliminary Plan review must be made by May 17, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2001 Land Development and Subdivision Regulations preliminary plan requirements and standard engineering practices. The plans reviewed by the committee are entitled “Preliminary Plan Submission for Riverfront Major Subdivision”, Angell Road, AP 45, Lot 436, in Lincoln, Rhode Island, prepared for the owner/applicant Dosco Inc. by Commonwealth Engineers & Consultants, Inc., dated December 2005. Also received was a report entitled “Stormwater Management Analysis” for Riverfront Estates in Lincoln, RI, prepared by the above consultant for the owner and dated November 2005. A traffic study was previously reviewed. Below are the committees concerns.

Site Plan

The location of the drainage easement to access the detention basin has been moved closer to Angell Road. The proposed fencing and gates should enclose the basin itself, not the access road. During the Master Plan stage, a waiver was requested and approved for the proposed road to be less than 150 feet from the unimproved Rum Road. The Engineering Division would prefer that this paper street not be improved for public vehicular access due to sight distance issues. Due to the steepness of the terrain, the detention basin must be constructed in the initial phase of the site work in order to act as temporary siltation basin with an additional temporary siltation basin at the base of the proposed road. The Zoning Official would like the applicant to check the set back of all lots to ensure that they meet the

requirements of the Zoning Ordinance.

Groundwater

There is a note on the plan specifying that finished floors or basements must be set above the seasonal high ground water elevation. This must be a condition of approval for the subdivision.

Wetlands

The applicant previously submitted a letter from Mason & Associates, Inc. a wetlands biologist. The proposed subdivision must obtain a RIDEM Wetlands Preliminary Determination permit as a condition of approval for subdivision.

Traffic

The engineer submitted a revised report entitled "Safety Analysis", dated October 26, 2004, revised February 23, 2005 entitled "Safety Analysis". Based on the findings in the report, the Engineering Division has concluded that adequate sight distance is available at the proposed roadway intersection with Angell Road. Clearing on either side of the proposed entrance is shown on the plans.

Utilities

The plan shows public water and sewer connections to the proposed lots. There is an existing letter in the file dated (3/10/05) from the sewer supervisor stating that sewers are available to the property.

The sewers and drainage must be designed to be effective and efficient. The Lincoln Water Commission (LWC) has communicated to the Town that public water service is available to this project and can receive preliminary approval for water line design, subject to final construction plan approval. The water line is proposed to be looped through an existing public right of way, Rum Road, which meets LWC requirements.

Drainage

There does not appear to be a drainage swale on the shoulder of the road, however, runoff sheet does flow off Angell Road. The proposed intersection must be designed to allow storm water to flow either through a culvert under or along a constructed gutter line at the new road to the brook. According to the drainage report, onsite drainage dry wells, “Cultech” units, are proposed to collect roof drainage from the houses. These have been successfully used on other sites in Town. Although the final design and location may change pending the individual house design and site plan, proposed locations and sizing for the units must be shown on the site plans.

The Technical Review committee recommends that the applicant address the above noted concerns and proceed to the public hearing stage of the review process. An updated abutters list will be needed.

- Bank RI George Washington Hwy Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into three commercial lots. The proposed project is classified as a Major Subdivision due to the project's need for zoning relief. This project is in front of the Planning Board for a Master Plan discussion and review. On January 17, 2006, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan review must be made by May 17, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Site Plan of Land, Bank RI", AP 28, Lot 51, 629 George Washington Highway, Lincoln, Rhode Island, prepared for Bank Rhode Island by Joe Casali Engineering, Inc., dated December 2005. Also received was a report entitled "Project Narrative" Bank RI Proposed Subdivision of Land AP 28 Lot 51

prepared for the above owner by the above consultant dated December 2005. The application was reviewed and the following was noted.

Site plan

The proposed temporary nature of the landlocked lot 1 is not guaranteed. In order not to create potential problems, the following (potentially defeasible) easements must be granted in the private 40 foot wide right of way shown on the plan as a condition of approval:

1. Vehicular/pedestrian access to and from George Washington Highway for lot 1 across lot 2.
2. Vehicular/pedestrian access to and from George Washington Highway for lot 3 across lot 2.
3. Sanitary sewer connection for lots 2 and 3 through lot 1.
4. Water service for lot 1 through lot 2.

Groundwater

It is unclear whether a certified soil evaluator estimated the seasonal high ground water elevations on the property. The Town Engineer did not witness the excavation of test pits. It is recommended that finished floors or basements must be set above the seasonal high ground water elevation since the discharge of excess groundwater could adversely impact adjacent properties if not directed to the State Highway drainage system. This must be a condition of approval for the subdivision.

Wetlands

The consultant has flagged wetlands on site. An application for verification of the wetlands has been requested from RI Department of Environmental Management (RIDEM) to confirm the type and extent of any wetlands. This must be a condition of approval for the subdivision. When any construction work is proposed, the project may need to obtain a RIDEM Wetlands Preliminary Determination permit.

Traffic

In the above report, the consultant has concluded that no RI Department of Transportation (RIDOT) Physical Alteration Permit (PAP) is required at this time. The land use will be changed by this subdivision. Land use changes trigger a PAP. However, the PAP will need to be filed when a specific, proposed use is identified. Such a permit will be required as condition of a construction permit.

Utilities

The report indicates that public water and sewer connections are available to the proposed lots in the subdivision along George Washington Highway. The new lots require approval in order to provide service. This policy for sewers was confirmed with John Zuba of the Narragansett Bay Commission (NBC). If this service is not available, the conditions under which the subdivision was approved are invalid. Therefore, approval from NBC is required as a condition of approval. The nearest sanitary sewer line is not located in George

Washington Highway, as stated in the report. The nearest one is in the back of proposed lot 1. An easement is required to connect proposed lot 3 to the NBC interceptor sewer shown on the plans. This must be shown on the plans. The Lincoln Water Commission (LWC) superintendent has communicated to the Town Engineer (telephone conversation 1/13/06) that public water service is available to this subdivision. However, any new lots will be required to submit a plan for preliminary approval of a new service which meets LWC requirements.

Drainage

Drainage flowing towards George Washington Highway will be reviewed by RIDOT as part of the PAP. Drainage design from the future construction in subdivision must include no increase of storm water onto any Town roads or infrastructure so as not to cause or exacerbate any drainage problems down gradient of the site.

The Technical Review committee recommends that the applicant address the above noted concerns and proceed to the public informational stage of the review process. An updated abutters list will be needed.

Minor Subdivision Review

- a. Chapel Street Minor Sub. AP 10 Lot 304 Preliminary Plan Discussion / - Vikon Properties Corp Chapel

Street Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. This project is in front of the Planning Board as a minor subdivision at the preliminary plan stage. The plan received Certificate of Completeness on January 17, 2006 in which the Planning Board has 65 days (March 23, 2006) to approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant.

The Technical Review Committee and the Engineering Division has reviewed the above proposed development according to the Land Development and Subdivision Regulations standards and requirements and standard engineering practice. The two plans reviewed were entitled “Preliminary Minor Subdivision” and “Record Plan” for Eric Yeghian, Lincoln, RI, AP 10 Lot 304, Chapel Street, prepared for Vikon Properties Management Corp. by Marsh Surveying Inc. dated November 14, 2005. The application was reviewed and the following was noted.

Site Plan

The site plan shows two frontage lots from one. The information presented on the site plan indicates that there is adequate buildable area for each lot. The developer must submit a sedimentation and erosion control plan to Engineering for approval at the time a building permit is requested. The plan notes that there do not appear to be

any wetlands on or adjacent to the site. A site visit by the TRC confirmed this.

Utilities

A plan shows that the applicant proposes public water and sewers connections via existing lines in Chapel Street. The Lincoln Water Commission (LWC) has stated in writing that water service is available. The LWC's approval must be a condition of any approval for subdivision. The sewer supervisor has given notice that public sanitary sewers are available to the project. The developer must obtain approval for the Narragansett Bay Commission for the additional indirect discharge.

Drainage

The proposed lots drain to the road. The drainage system on Chapel Street is minimal and there are documented drainage issues during high intensity rainfall events. In order to prevent any adverse impact, the new house on the proposed lot must provide onsite drainage attenuation through dry wells to capture the roof runoff as a condition of approval. The location of a dry well is shown on the plans. As condition of approval, a note should be added to the plans stating that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.

Zoning

The existing lot has an existing garage on the property. The garage

does not meet our present day zoning requirements. A dimensional variance will be required for the garage or the applicant will have to remove the garage. The applicant has stated that he will apply to zoning for the needed relief. As a condition of approval, a dimensional variance will have to be approved.

The TRC has determined that the concerns noted above can easily be resolved by the applicant. Therefore, the TRC recommends that this minor subdivision be Approved with Conditions. The conditions are as follows:

1. A sedimentation and erosion control plan must be submitted for review and approval at the time a building permit is requested.
2. The developer must obtain approval for the Narragansett Bay Commission for the additional indirect discharge.
3. The proposed house must provide onsite drainage attenuation through dry wells to capture the roof runoff.
4. A note must be added to the plans stating that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.
5. A dimensional variance will be required for the garage or the applicant will have to remove the garage.

Major Land Development Review

a. Lincoln Ridge Business Park AP 41 Lot 58 Master Plan Discussion /

- Polseno Properties Management George Washington Highway Approval

This application is under the 2005 Subdivision Regulations and represents the commercial development of a single lot containing approximately 15 acres. This project is in front of the Planning Board for a Master Plan discussion and review. On January 17, 2006, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan review must be made by May 17, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan requirements and standard engineering practices. The plans reviewed were entitled "Preliminary Design Plans- Phase I Lincoln Ridge Business Park, AP 41 Lot 58", Lincoln, Rhode Island, sheets 1-8, prepared for Polseno Properties Management, LLC by Thalmann Engineering Co., Inc., dated November 2005. Additional information received includes:

- 1. "Traffic Impact Study, Route 116 Commercial Development, prepared for Thalmann Engineering Co., Inc., prepared by RAB Professional Engineers, Inc. November 2005,**

2. Drainage Report & Calculations, Lincoln Ridge Business Park, George Washington Highway, AP 41 Lot 58, Lincoln prepared for Polseno Properties Management, LLC by Thalmann Engineering Co., Inc., dated December 8, 2005,

3. Lincoln Ridge Business Park- Phase I, Major Land Development, George Washington Highway AP 41 Lot 58, Master Plan-Development Impact Narrative, dated December 8, 2005

The application was reviewed and the following was noted.

Environmental

The wetlands have been flagged by Natural Resource Services. Preliminary approval will require a permit from RIDEM Wetlands. Location of any existing wells and/or septic systems within 200 feet of the property must be shown on the plan. Any onsite wells or septic systems will need to be properly closed and/or removed.

Traffic/Road/Site

Access to the site is from a State Highway, Route 116-George Washington Highway. The project will require a Physical Alteration Permit from RIDOT for access to the property for preliminary approval. The above noted traffic report was reviewed. The proposed road is private; however, the Fire Department has reviewed the plans and Albion Fire department finds the accessibility acceptable. (Verbal communication from Chief Petrin 1/11/06). A formal letter to this affect will be required. The TRC would also like the fire department to

review and comment on the proposed site plan and the provided circulation areas around the building for fire safety. There needs to be a timeline given relative to the adjacent property to the east in Smithfield where a development for an “AutoMall” is proposed. The existing driveway on the adjacent property conflicts with the proposed access way for the development in Lincoln.

Sanitary Sewers

The development is proposed to flow to the Narragansett Bay Commission (NBC) interceptor on Route 116. Approval from NBC will be required as a condition of approval.

Public Water Service

Municipal water service is proposed. The Lincoln Water Commission or other public water authority needs to state that public water to the development is available. Availability of a public water service will be required as a condition of approval. The LWC stated that water to the site would require the developer to install a water line in Rt. 116 at the developer's expense. Conformation that the developer will provide water using this source would have to be confirmed.

Drainage

The site drains to mainly to wetlands on site. The drainage facilities include mitigation of water quality and peak rate of flow. The above noted drainage report was reviewed. The soil log information was included with the drainage report for determining the seasonal high groundwater elevation by a certificated soil evaluator. The

Engineering Office staff did not witness the test pits and soil evaluation. The bottom of the detention basin is proposed to be constructed below the seasonal high ground water elevation. The plans show a subdrain to keep the detention basin from filling with ground water. The design pipes the groundwater discharge into the detention outlet structure. It is recommended that the subdrains freely outlet, separate from the detention basin's outlet. Since this is a private, commercial development which will be wholly owned and maintained by the developer and where the subdrains are not draining onto Town infrastructure or directly on to an abutter a subdrain is acceptable in this specific case.

The TRC would like the developer to address the concerns noted above. Special attention must be given to the supply of public water to the project. The TRC feels that the public water supply should be resolved before this project moves forward in the review process.

b. Special Care Residence AP 41 Lot 44 Master Plan Discussion /
- H.L.George Development Corp. Albion Road Approval

This application is under the 2005 Subdivision Regulations and represents the commercial development of a single lot containing 4.39 acres. This project is in front of the Planning Board for a Master Plan discussion and review. On January 17, 2006, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the

Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan review must be made by May 17, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan and preliminary plan requirements and standard engineering practices. The plans reviewed were entitled “Preliminary Submission – Albion Road – Special Care Facility, Located on Albion Road, AP41 Lot 44”, sheets 1-8, prepared for H.L.George Development Corporation by DiPrete Engineering Associations, Inc., dated January 2003 and revised through January 19, 2005. The proposed project has been before the Zoning Board and the Planning Board several times during 2003 for review for a special use permit.

The TRC has reviewed the submitted plans against the Zoning Board’s approval and the conditions and our land development regulations. The developer and his engineers have meet with the staff several times during the design of the project. The submitted plans successfully address all of the committees concerns.

Site Layout

This is the commercial development of one lot. The developer has

successfully meet all of the Town requirements. Special attention has been given to fire rescue accessibility around the building.

Environmental

A DEM wetland permits will be needed for this project.

Sanitary Sewers

Sanitary sewers are available from a new force main installed into Albion Road. The application will install a private pumping station to feed into the public force main.

Public Water Service

Municipal water service is available to the project. The Lincoln water Commission will have to update its preliminary approval of this project.

Drainage

The site drains to mainly to wetlands on site. The drainage facilities include mitigation of water quality and peak rate of flow. The proposed drainage system successfully addresses all of the concerns of the TRC.

The Technical Review committee recommends that the applicant address the above noted concerns and proceed to the public informational stage of the review process. An updated abutters list will be needed.

Petition for the Abandonment of a Portion of Central Street

Recommendation to the Town Council - Gail Brule and Paul A. Brule Central Street

The TRC reviewed the submitted application and site plan and finds that while the right-of-way is undeveloped it may in the future serve as a public highway in one form or another. This right-of-way may serve as an additional access point to the abutting Lincoln Housing Authority complex. Abandoning this public right-of-way would eliminate any future public access points to this abutting property. The TRC feels that the applicant has not presented solid evidence in favor of the abandonment of this public right-of-way. Therefore, the TRC recommends that this petition for abandonment of the northerly portion of Central Street be denied.

February Zoning Applications

Michael Ricci, 1805 Old Louisquisset Pike, Lincoln, RI – Dimensional Variance for the creation of a second lot.

AP 25, Lot 178 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends

Denial of the application for a dimensional variance. The Committee feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance nor the Subdivision Regulation for an additional single family lot. The application does not meet the buildable lot definition; therefore, even with a dimensional variance, the proposed lot will not meet Subdivision Regulations. The Technical Review Committee has concerns about the existing wetlands on the site and how they will impact to the size of the lot.

**Tiffany Plaza Limited Partnership, c/o Richard E. Kirby, Esquire, 72 Pine Street, Providence, RI/Tiffany Plaza Limited Partnership, c/o Michael Berkowitz, 60 McGarvey Road, Stoughton, MA – Extension of Dimensional Variance for construction of retail space building on Reservoir Avenue, Lincoln, RI
AP 6, Lot 442 Zoned: BL-0.5**

Members of the Technical Review Committee reviewed the submitted application for a time extension of a dimensional variance. The TRC recommends Approval of the application for a time extension for a dimensional variance. The Committee feels that the applicant has been diligently working to start construction of the project within the one year time frame but time ran out.

Joseph Kishfy, 22 Dennell Drive, Lincoln, RI – Special Use Permit to add six new dwelling units to six existing units for a total of twelve

units, two of which shall be eligible for low or moderate income dwelling units on property located at 143 Reservoir Avenue, Lincoln, RI.

AP 6, Lot 437 Zoned: RG 7

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The TRC recommends Approval of this application. Based on a site visit, the TRC feels that the applicant presents a realistic site layout that meets the intent of the zoning and would not be detrimental to the surrounding residential neighborhood. The Technical Review Committee feels that the special use permit will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.

Albion Place, LLC, 6 Blackstone Valley Place, Lincoln, RI – Use Variance for the construction of six new dwelling units on property located at 2 Main Street, Lincoln, RI

AP 32, Lot 44 Zoned: BL 05

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The TRC recommends Approval of this application. The proposed project represents the expansion of an existing multi-family use on the parcel. Based on a site visit, the TRC feels that the applicant presents a realistic site layout that meets the intent of the zoning and

would not be detrimental to the surrounding residential neighborhood. The Technical Review Committee feels that the use variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.